

REMARKS

In the Office Action of December 17, 2004, claims 1-13, 16-36, 39, 40, 45 and 47 were rejected under 35 U.S.C. § 103(a) as being obvious over Chen, et al. (U.S. Patent No. 5,990,377).

Claims 14, 15, 20, 41, 42, 44 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen, et al.

Applicants respectfully request reconsideration of the allowability of the claims in the present application. The present Amendment is presented to place the application in condition for allowance, or alternatively in a better form for appeal in accordance with MPEP § 706.07(e). Applicants submit that the present Amendment raises no new issues in the case.

Applicants respectfully submit that claim 1 defines over Chen, et al. Respectfully, Chen, et al. does not disclose a web with peaks and valleys that are configured so that the percentage of composition of material making up the peaks is the same as the percentage of composition of material making up the valleys. Support for this claim amendment may be found on at least page 10, ll. 15-20; at least on page 11, ll. 22-30; and in at least Figures 3 and 4 of Applicants' application. As discussed on page 10 of Applicants' application, the web 32 may be formed from fibers that are evenly distributed onto a forming fabric 34. Since the fibers are evenly distributed onto the forming fabric 34, the percentage of composition of fibers making up the peaks will be the same percentage of composition of fibers making up the valleys. In other words the peaks will be 100% composed of fibers and the valleys will be 100% composed of the fibers.

Likewise, as discussed on page 11 of Applicants' application, different materials may be introduced into the forming chamber 44 and mixed together so as to form the web 32. In this instance, the entire web including both the peaks and the valleys will be made of the different materials. For example, 25% of the web may be made from material A, 25% of the web may be made from material B, 25% of the web may be made from material C, and 25% of the web may be made from material D. In this example since the entire web 32 is made from the same percentage of different materials, the percentage of composition of material making up the peaks will be the same as the percentage of composition of material making up the valleys, i.e. 25% per each material.

Page 11 of Applicants' application also discusses an exemplary embodiment in which different materials can be separated into different layers in forming the web. In this exemplary embodiment, the same layers will be present in the peaks as will be present in the valleys since the entire airlaid web 32 is made from different materials separated into different layers. Necessarily, the percentage of composition of material making up the peaks will be the same as the percentage of composition of material making up the valleys. In other words should four layers be present all made of different materials, 25% of the composition of the peaks will be made from material A, and 25% of the composition of material making up the valleys will be material A.

Applicants respectfully submit that the newly added language to claim 1 merely clarifies the fact that the peaks and valleys are made of the same material such that they not only have common material between the two, but also have the same percentage of material between the two. If the web were made of different materials

throughout and patterned so as to have peaks and valleys, it would necessarily follow that the same percentage of composition of material in the peaks of the web would be the same as the percentage of composition of material in the valleys. It is to be understood, however, that the peaks may be of a different density than the valleys. As such, the fact that the same percentage of composition of materials exists between both the peaks and the valleys does not necessitate the fact that the peaks have the same densities as the valleys. Differences in density may be realized through compressing the peaks so as to increase the density in relation to the valleys as discussed on at least page 4, ll. 14-19 of Applicants' application.

Chen, et al. is directed towards a dual-zoned absorbent web that seeks to both absorb and transport fluids from the skin of the wearer while at the same time allowing for a portion of the web that contacts the skin of the wearer to provide a "dry touch" or "dry feel" (see Chen, et al. at col. 1, ll. 33-36; and col. 2, ll. 19-27). The web of Chen, et al. includes uppermost regions 3 that incorporate hydrophobic material 2 and depressed regions 4 that incorporate hydrophilic material (see Chen, et al. at col. 27, ll. 9-13; and col. 28, ll. 48-58). Chen, et al. also discloses a web in which more hydrophobic matter is deposited on the uppermost regions 3 than in the depressed regions 4, in terms of a mass per unit area basis, so that the depressed regions 4 have a significantly lower amount of hydrophobic matter present than the uppermost regions 3 (see Chen, et al. at col. 8, ll. 46-52). Figure 13 of Chen, et al. shows a web in which the uppermost regions include hydrophobic material 50 while the depressed regions 4 do not include any hydrophobic material.

Claim 1 of Applicants' application calls for a structure exactly opposite from that disclosed in Chen, et al. Claim 1 of Applicants' application calls for the percentage of composition of material making up the peaks to be same as the percentage of composition of material making up the valleys. Chen, et al. explicitly discloses a web in which more hydrophobic matter is present in the uppermost regions than in the depressed regions. As such, the percentage of composition of hydrophobic matter in the uppermost regions will be greater than, and not the same as, the percentage of composition of hydrophobic matter in the depressed regions. Still further in regards to the web shown in Figure 13 of Chen, et al., the uppermost regions will include some percentage of composition of hydrophobic matter while the depressed regions will have zero percentage of composition of hydrophobic matter. As such, Chen, et al. does not disclose a web in which the percentage of composition of material making up the peaks is the same as the percentage of composition of material making up the valleys.

Further, it would not have been obvious for one having ordinary skill in the art to modify Chen, et al. so as to arrive at the web set forth in claim 1 of Applicants' application. Modification of Chen, et al. so that the percentage of composition of material making up the uppermost portions 3 was the same as the percentage of composition of material making up the depressed regions 4 would completely frustrate the intended purpose of Chen, et al. and would completely change the principle of operation in Chen, et al. Chen, et al. is specifically directed towards an improved web that provides a clean, dry feel to the skin of the wearer and also allows for rapid depth wide transport of liquid through the web into an underlying absorbent core (see Chen, et al. at col. 2, ll. 19-25). The entire principle of operation in Chen, et al. to achieve this

goal resides in having the uppermost regions 3 include a greater percentage of composition of hydrophobic matter than the depressed regions 4. In this manner liquid will be removed from the uppermost regions 3 and transported therefrom so as to provide a dry touch or dry feel to the uppermost regions 3. If the depressed regions 4 included the same amount of hydrophobic material as the uppermost regions 3 then liquid would be similarly repelled therefrom and would potentially result in liquid being transported back to the uppermost regions 3 or onto the skin of the wearer. Chen, et al. explicitly states that the depressed regions 4 should have a “significantly” lower amount of hydrophobic matter and as such the uppermost regions 3 and the depressed regions 4 have different percentages of composition of materials in their construction. Modification in this regard would completely change the principle of operation in Chen, et al. because the resulting web would no longer be able to display different fluid properties from having different percentages of composition of material so as to take advantage of the different fluid properties of the specific material.

In order to establish *prima facie* obviousness, all of the claim elements must be taught or suggested by the prior art. In the present instance, Chen, et al. does not teach or suggest a web in which the percentage of composition of material making up the peaks is the same as the percentage of composition of material making up the valleys. In fact, Chen, et al. explicitly teaches in a completely opposite direction in calling for the depressed regions to have a “significantly lower” amount of hydrophobic matter than the uppermost regions. Further examples in Chen, et al. (Figure 13) also disclose the uppermost regions as having hydrophobic matter while the depressed regions do not have any hydrophobic matter.

As such, Applicants respectfully submit that claim 1 defines of Chen, et al. and is in condition for allowance.

In the present Amendment Applicants have amended claims 28 and 47 in order to call for the percentage of composition of material that makes up the peak areas to be the same as the percentage of composition of material that makes up the valley areas. Although not exact, the Amendments made to claims 28 and 47 are similar to the Amendment made to claim 1 and Applicants respectfully submit that claims 28 and 47 define over Chen, et al. for essentially the same reasons as discussed above with respect to claim 1 and are in condition for allowance.

As stated, the Office Action of December 17, 2004 also rejected the dependent claims in the present application (claims 2-27 and 29-46) under 35 U.S.C. § 103(a) in view of Chen, et al. These claims depend either directly or indirectly from independent claims 1 and 28 and recite the present invention in varying scope. Applicants have herein discussed the cited reference in relation to claims 1 and 28. The dependent claims 2-27 and 29-46 are similarly distinguishable not only because of the patentability of the independent claims but also because of the combination of the subject matter of each of the dependent claims with their independent claim which makes each claim further distinguishable, and which is not taught or suggested by the cited reference, singly or in combination.

Applicants' respectfully submit that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience

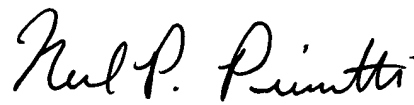
should she have any questions concerning this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

Date: _____

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Neal P. Pierotti
Registration No. 45,716

Post Office Box 1449
Greenville, South Carolina 29602 USA
Telephone: 864-271-1592
Facsimile: 864-233-7342